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July 7, 2014

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Honorable J. Paul Oetken
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Reed Construction Data Inc. v. The McGraw-Hill Companies, Inc.,
et al., 09 Civ. 8578 (JPO)(HP)

Dear Judge Oetken:

We are counsel for the parties in the above-captioned action, and we write with respect to the *Daubert* hearing on McGraw Hill's Motion to Exclude the Testimony of Plaintiff's Damages and Antitrust Liability Expert Under Rule 702. [Dkt. No. 168.]

We spoke to your Deputy Clerk Brandon Skolnik on June 23 about logistics for the hearing, and Mr. Skolnik recommended that we send the Court a letter that sets forth the parties' preferences. While the parties will obviously conduct the hearing in whatever manner is most helpful to Your Honor, we have described our suggestions below to provide the Court with the parties' insights into what they believe will be the most efficient way for the hearing to proceed.

- The parties have agreed to equally divide the time allotted for the hearing.
- Given the extensive briefing on this motion and to conserve time, the parties suggest not making opening statements; we will of course be prepared to address any questions that Your Honor may raise at the outset of the hearing.
- As discussed with the Court in our telephone conference on May 12, the parties anticipate that the hearing will proceed in the following order:
 - Reed will call its expert, Dr. Frederick Warren-Boulton, followed by McGraw Hill's cross-examination and any redirect.

July 7, 2014
Page 2

- McGraw Hill will then call its expert, Dr. Sumanth Addanki, followed by Reed's cross-examination and any redirect.
- In addition, Reed reserves the right to call Dr. Warren-Boulton in rebuttal to respond to Dr. Addanki's testimony, followed by McGraw-Hill's cross-examination and any redirect. McGraw Hill does not agree that Reed has any such right and reserves the right to object to any such rebuttal testimony.
- The parties would each like to reserve twenty minutes for closing statements.

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER
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